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JUL 15 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
(Case No.04-105-A (400/149))

In the Application of:

James McSwiggen

Group Art Unit: 1645

Serial No. 10/824,036

Examiner: TBA

Filed: April 14, 2004

For: RNA Interference Mediated Treatment of Polyglutamine)  
(PolyQ) Repeat Expansion Diseases Using Short  
Interfering Nucleic Acid (siNA)TRANSMITTAL LETTERCommissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

In regard to the above identified application,

1. We are transmitting herewith the attached:
  - a) Request for Correction of Filing Receipt
  - b) Copy of Filing Receipt with Corrections
  - c) Supplemental Application Data Sheet
  - d) Copy of Decision on Petition under 37 CFR 1.10
2. With respect to fees:
  - a) It is believed no fee is due at this time.
3. GENERAL AUTHORIZATION: Please charge any additional fees or credit overpayment to Deposit Account No. 13-2490. A duplicate copy of this sheet is enclosed.
4. CERTIFICATE OF FACSIMILE TRANSMISSION UNDER 37 CFR § 1.8: The undersigned hereby certifies that this Transmittal Letter and the paper, as described in paragraph 1, are being sent via facsimile to (703) 872-9306, Office of Initial Patent Examination (OIPE), Commissioner for Patents, Alexandria, Virginia 22313-1450 on July 15, 2005.

Respectfully submitted,  
McDonnell Boenhen Hulbert & Berghoff LLP

By:

Anita J. Terpstra  
Registration No. 47,132Date: July 15, 2005

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UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
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P.O. Box 1450  
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www.uspto.gov

APPL NO.	FILING OR 371 (c) DATE	ART UNIT	FIL FEE REC'D	ATTY. DOCKET NO	DRAWINGS	TOT CLMS	IND CLMS
10/824,036	04/14/2004	1645	484	MBHB04-105-A (400.149)	25	31	1

CONFIRMATION NO. 6045

020308

MCDONNELL BOEHNEN HULBERT & BERGHOFF LLP  
300 S. WACKER DRIVE  
32ND FLOOR  
CHICAGO, IL 60606

FILING RECEIPT

10/824,036 04/14/2004 1645 484 MBHB04-105-A (400.149) 25 31 1  
"OC000000013528730"

**DOCKETED**

AUG 17 2004  
DUE DATE 7/14/04 7/14/05  
BY *[Signature]*

Date Mailed: 08/13/2004

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please write to the Office of Initial Patent Examination's Filing Receipt Corrections, facsimile number 703-746-9195. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

**Applicant(s)**

James McSwiggen, Boulder, CO;

**Assignment For Published Patent Application**

Sima Therapeutics, Inc., Boulder, CO;

**Domestic Priority data as claimed by applicant**

This application is a CIP of 10/783,128 02/20/2004  
which is a CIP of 10/757,803 01/14/2004  
which is a CIP of 10/720,448 11/24/2003  
which is a CIP of 10/693,059 10/23/2003  
which is a CIP of 10/444,853 05/23/2003  
and is a CIP of 10/652,791 08/29/2003  
which is a CON of 10/422,704 04/24/2003  
which is a CON of 10/417,012 04/16/2003  
This application 10/824,036  
is a CIP of PCT/US03/05346 02/20/2003  
and is a CIP of PCT/US03/05028 02/20/2003  
and said PCT/US03/05346 02/20/2003  
claims benefit of 60/358,580 02/20/2002  
and said PCT/US03/05028 02/20/2003  
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and said PCT/US03/05346 02/20/2003  
claims benefit of 60/363,124 03/11/2002  
and said PCT/US03/05028 02/20/2003  
claims benefit of 60/363,124 03/11/2002

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claims benefit of 60/386,782 06/06/2002  
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claims benefit of 60/406,784 08/29/2002  
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claims benefit of 60/408,378 09/05/2002  
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claims benefit of 60/409,293 08/09/2002  
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claims benefit of 60/440,129 01/15/2003

This application 10/824,036

is a CIP of 10/427,160 04/30/2003

and is a CIP of PCT/US02/15876 05/20/2002

05/17/2002

~~(\*) Data provided by applicant is not consistent with PTO records.~~

#### Foreign Applications

If Required, Foreign Filing License Granted: 08/11/2004

Projected Publication Date: To Be Determined - pending completion of Missing Parts

Non-Publication Request: No

Early Publication Request: No

**\*\* SMALL ENTITY \*\***

#### Title

RNA interference mediated treatment of polyglutamine (polyQ) repeat expansion diseases using short interfering nucleic acid (siNA)

#### Preliminary Class

435

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**LICENSE FOR FOREIGN FILING UNDER  
Title 35, United States Code, Section 184  
Title 37, Code of Federal Regulations, 5.11 & 5.15**

#### **GRANTED**

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as

set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted under 37 CFR 5.13 or 5.14.

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Office of Export Administration, Department of Commerce (15 CFR 370.10 (j)); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

#### **NOT GRANTED**

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

# PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

(Case No. 04-105-A (400.149))

**In re Application of:**

James McSwiggen

**Serial No.:** 10/824,036

**Filed: April 14, 2004**

**For: RNA Interference Mediated Treatment of Polyglutamine (polyQ) Repeat Expansion Diseases Using Short Interfering Nucleic Acid (siNA)**

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Group Art Unit: 1645

**Examiner: Not Assigned**

Confirmation No.: 6045

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JUL 15 2005

**REQUEST FOR CORRECTED FILING RECEIPT**

**Mail Stop: OIPE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450**

**Attention: Application Processing Division  
Customer Correction Branch**

Dear Sir:

1. Attached is a copy of the official filing receipt received from the PTO in the above-referenced application for which issuance of a corrected filing receipt is respectfully requested.
2. There is an error with respect to the following data, which is incorrectly entered.

## Error in

**Domestic Priority data as claimed by applicant:**

**This application is a CIP of 10/783,128 02/20/2004**

which is a CIP of 10/757,803 01/14/2004

which is a CIP of 10/720,448 11/24/2003

which is a CIP of 10/693,059 10/23/2003

which is a CIP of 10/444,853 05/23/2003

McDonnell Bochen Hulbert & Berghoff LLP  
300 South Wacker Drive, 32nd Floor  
Chicago, IL 60606  
Tel: (312)913-0001  
Fax: (312) 913-0002

and is a CIP of 10/652,791 08/29/2003  
which is a CON of 10/422,704 04/24/2003  
which is a CON of 10/417,012 04/16/2003  
This application 10/824,036  
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claims benefit of 60/440,129 01/15/2003  
This application 10/824,036  
is a CIP of 10/427,160 04/30/2003  
and is a CIP of PCT/US02/15876 05/20/2002\*

(\*) Data provided by applicant is not consistent with PTO records.

**Correct Data:**

Domestic Priority data as claimed by applicant:

This application is a CIP of 10/783,128 02/20/2004  
which is a CIP of 10/757,803 01/14/2004  
which is a CIP of 10/720,448 11/24/2003  
which is a CIP of 10/693,059 10/23/2003  
which is a CIP of 10/444,853 05/23/2003  
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This application 10/824,036  
is a CIP of 10/427,160 04/30/2003  
and is a CIP of PCT/US02/15876 05/17/2002

3. Applicant attaches a copy of the Grant of Applicant's Petition to Correct the Filing Date for PCT/US02/15876. The correct filing date as indicated in the Granted Petition is now May 17, 2002. Thus, the data provided by Applicant is no longer inconsistent with PTO records. Also enclosed is a revised Application Data Sheet showing additions in underlining and deletions in strikethrough. Priority to PCT Applications PCT/US03/05028 and PCT/US03/05346 were



claimed under 35 USC 119 and 120. As both of these applications designate the US, priority under §119 is being cancelled. These changes are also indicated in the attached Supplemental Application Data Sheet.

4. The correction is not due to any error by Applicant and no fee is due.

Respectfully submitted,  
McDonnell Boennen Hulbert & Berghoff LLP

Date: July 15 2005

By: 

Anita J. Terpstra  
Reg. No.: 47,132